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IFW

Atty. Dkt. No.: WT0115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Guenther et al.

Title: GAME BALL LACING

Appl. No.: 10/625,325

Filing Date: July 23, 2003

Examiner: S. Wong

Art Unit: 3711

CERTIFICATE OF EXPRESS MAILING

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ER 723818503 US September 23, 2004
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Terence P. O'Brien

(Printed Name)

(Signature)

REPLY TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on August 23, 2004, Applicants respectfully traverse the restriction/election requirement. Applicants respectfully submit that the search and examination of at least claims 1-29 of the present application can be made without serious burden on the examiner. Section 803 of the Manual of Patent Examining Procedure ("MPEP") states: "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." In this case, the subject matter of claims 1-29 is sufficiently related that it does not extend over a separate classification, a separate status in the art or a different field of search. Accordingly, Applicants respectfully submit that the search and examination of claims 1-29 does not present a serious burden.

In regards to claims 4 and 22, Applicants respectfully submit that the members of the Markush group of these claims are so closely related that a search and examination of the entire claim can also be made without a serious burden. Section 803.02 of the MPEP states:

[i]f the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they are directed to independent and distinct inventions.

Accordingly, Applicants elect the group of claims 1-29 for continued prosecution and respectfully request an Office Action on the merits of this application. Applicants, of course, reserve the right to file a divisional application covering the subject matter of the non-elected claims.

No fee is believed due in connection with the filing of this Reply. However, the Commissioner is hereby authorized to charge any additional fee deficiencies or credit any overpayment to Deposit Account No. 501959.

Respectfully submitted,

Date 23 September 2004
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